



## Children before players: Current risks and future research agendas

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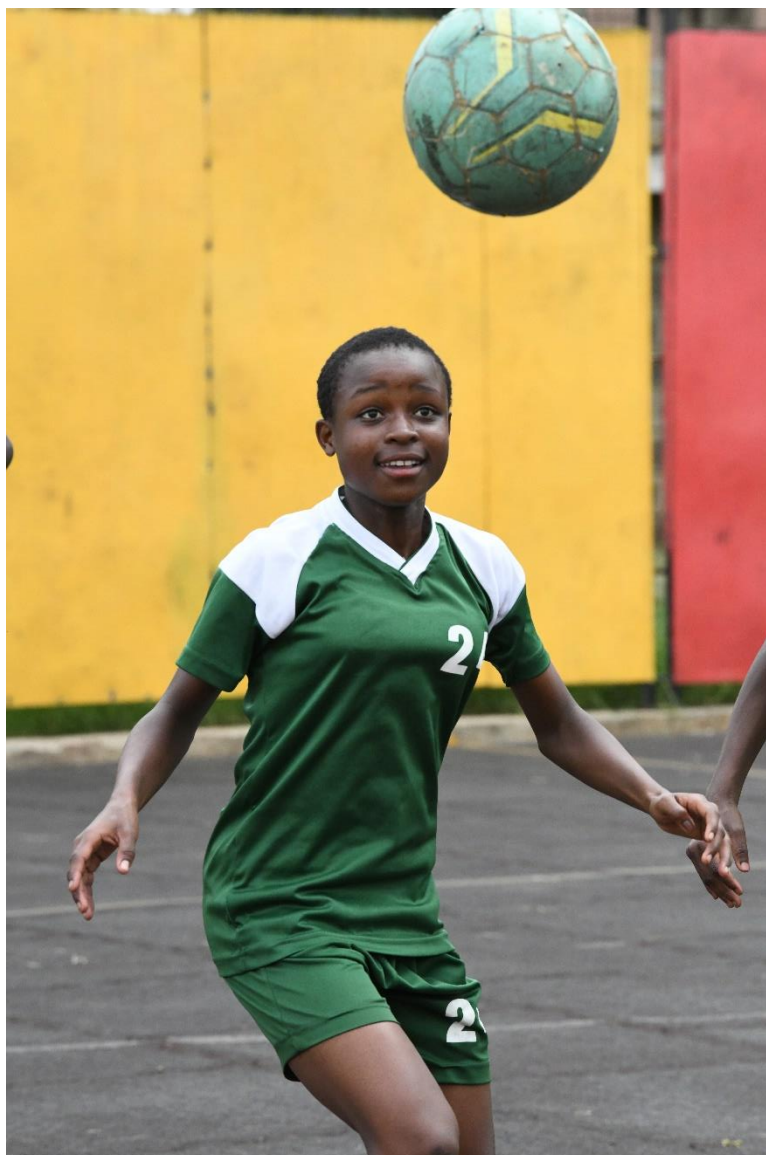
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# CHILDREN BEFORE PLAYERS

Current risks and future  
research agendas



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## Executive Summary

This report identifies and examines 'sites' of interaction between the global football industry's recruitment network and the rights of the child as articulated in the United Nations Convention on the Rights of the Child (UNCRC). A 'global production network' (GPN) framework was used alongside the UNCRC to map and audit where children's rights may be at risk or impinged upon, because of their involvement with football.

Overall, this report found that the regulatory system and governance structures concerning the recruitment of child players within the football industry, produce consequences that impinge upon the rights of children as expressed in the UNCRC and place children at risk of exploitation and abuse.

However, while there are undoubtedly harmful impacts of recruitment processes on children's rights, it must also be noted at the outset that participation in sport – at amateur and professional level – can empower children and promote their rights in a range of ways. Given its level of popularity across the globe, access to organised football, whether formal or informal, can and does play a significant role in allowing children to access play, enjoy leisure time (Article 31 UNCRC), and lead healthy lifestyles (Article 24 UNCRC). Equally, physical education is an integral part of children's schooling, with Article 29 UNCRC requiring that the education of the child be directed to the development of the child's personality, talents and mental and physical abilities.

The points above regarding how participation in sport can empower children and promote their rights in a range of ways notwithstanding, by combining a child-rights approach with alongside a GPN framework, it is evident that children who participate in football with an aspiration to become a professional footballer make journeys through a fragmented system, where there is considerable variation within and between countries in terms of the protection offered to children's rights.

Although limited in geographical scope and variability, this report found that the regulation of football's recruitment processes does not operate in the best interests of the child at a structural level as recognised in Article 3(1) UNCRC.

Structural inconsistencies between the football industry's GPN and Article 32 UNCRC, - which recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development - are traceable to a series of regulatory frameworks around the transfer system that are designed to ensure a free-flowing and liberal market in footballers and the availability of talent, but have the (normally unintended) consequence of operating against the best interests of the children involved. The overarching issue is the tension between upholding children's rights in an industry preoccupied with profit, the pursuit of competitive advantage and sporting success. In short, the commercial structures and practices within football are fundamentally inconsistent with Article 32 UNCRC, and a concomitant failure to foreground and embed a children's rights ethos within the football industry's regulatory frameworks has created a scenario whereby what constitutes the 'best interests' of children is frequently at odds with the interests of actors in a position to protect and uphold children's rights.

The prevalence of exploitative practices within the football industry resonates with concerns articulated in the UNCRC framework highlighting that abuse, violence and exploitation can be carried out by a range of individuals who have children in their care (Article 19(1) UNCRC). Notably, the Convention also places an obligation on state parties to ensure that appropriate protections are in place against all forms of exploitation including those of a sexual nature (Articles 34 and 36 UNCRC). The ban on the international transfer of minors was introduced to protect children from the harmful practices that surround player recruitment, including two forms of football related human trafficking, known as trafficking *through* and trafficking *in* football (link to Article 35 UNCRC). However, this report found that existing anti-trafficking frameworks at national, European (EU and Council of Europe) and international level are not adapted to respond to football-related trafficking. There is currently little evidence of collaboration between FIFA and state parties to address this issue.

Provisions of the UNCRC focus on the right of children to have contact with their parents (Article 9) and to family reunification where they are separated (usually in migration scenarios) (Article 10), underline the importance of the family unit to children. The increasing use of academies by football clubs, often requiring children to live away from home from an early age, were found to have multifaceted implications for children's enjoyment of family life. For example, family members often play a significant role in a child's decision to pursue a football career in the first place, and may even support their attempts to progress through the football industry's GPN both financially and emotionally. Thus, where an elite football club in a developed country with the infrastructure to train and educate a player looks to recruit said player, it is understandable that the player (and their family), especially if they are based in a developing country, will be keen to take this opportunity to potentially improve their life chances. This point is particularly salient as this report has found that in Africa, Latin America and other developing contexts, where formal and/or well-paid employment opportunities are scarce and/or precarious, the pursuit of a career in football is often encouraged by family members as part of a broader household livelihood strategy. Relatedly, an emerging issue concerning the impact of football on children's rights to education in Latin American and sub Saharan African countries, are cases of children from low income households ending their formal schooling to pursue a career in professional football to earn an income.

The UNCRC requires children's voices be heard (Article 12), recognises the empowering benefits of sporting and educational opportunities in a child's life, and emphasises the importance of survival and development for children (Article 6(2)). Yet this report found that children's right to be heard in all decisions affecting them, to have these views accorded due weight according to their age and maturity (Article 12 UNCRC), and the right to an adequate standard of living (Article 27 UNCRC), are undermined by the ban on international transfer of minors as enforced in FIFA's RSTP. Exploitative practices continue to thrive, even with this ban in place, yet at the same time some child players are denied the opportunity to pursue a career in football under circumstances that might better uphold their rights. There is, therefore, a need to find regulatory and policy responses that balance the positive aspects of children's participation in football with the need to protect their safety and security.



In view of these findings, a key recommendation is that all future responses to this issue, both in policy and practice, are explicitly informed and guided by the UNCRC and its principles in the planning, implementation, monitoring and evaluation of regulations involving the recruitment of minor (child) players. This is a crucial point, as a major finding from this report is that amendments to the regulations that were made without adopting the principles of this recommendation have not only proven reductive, but have had injurious consequences for children's rights and placed them at further risk of abuse and exploitation.

More specifically, it is proposed that planning, implementation, monitoring and evaluation of regulations involving the recruitment of minor players should be informed by an approach that characterises the child as the 'rights holder' and places the child at the centre of regulatory frameworks. To bring about such a shift in the context of football, and to maximise the effectiveness this approach, evidence-based research that can generate contextually relevant regulations and policies that are also global in nature, is needed. This research should also identify the responsibilities of different institutions and individuals for ensuring children's rights are upheld in different geographical contexts and nodes within the GPN.



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# 1. Introduction

This report identifies and analyses the ‘sites’ of interaction between the global football industry’s recruitment networks and the rights of the child enumerated in the United Nations Convention of the Rights of the Child (UNCRC).

There is a long history of children<sup>1</sup> being trained for and contracted to work in the football industry (Pitchford et al. 2004). The liberalisation of the rules around the football transfer system initiated by the Bosman case in 1995 increased opportunities for player mobility and intensified this process, leading to greater awareness of and concerns about the welfare and rights of children within football (Brackenridge et al. 2006; Darby et al. 2007; Donnelly & Petherick 2004). Academic research and recent media revelations have documented how engagement with the football industry can expose children to emotional and physical harm, sexual abuse, financial exploitation and human trafficking, and in so doing contravene or impinge their rights (Elliasson 2017; Esson 2015a; Lembo 2011; Stafford et al. 2015). This report and its conclusion; that more evidence-based research is required to better understand the ways in which the rights of the child are impacted in the football industry, is therefore timely.

In order to illustrate how the global football industry engages with and recruits children, and to map where children’s rights may be at risk or impinged, we consider the production and recruitment of football labour as a ‘global production network’ (GPN) alongside the United Nations Conventions on the Rights of the Child (UNCRC). The GPN framework and terminology has been used by academics to capture the production, distribution and consumption of goods and services around the world (Henderson et al. 2002), and it has recently been applied effectively to examine the production and export of football labour in West Africa (Darby 2013). As noted by the International Labour Organization (2017), the term “child labour” is often defined ‘as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development’. This report and the analysis provided remains cognizant that ‘not all work done by children should be classified as child

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<sup>1</sup> Henceforth all references to children within the football industry includes all sexes unless stated otherwise.

labour that is to be targeted for elimination'. Therefore, emphasis is placed on identifying forms of labour within football's GPN that are; 'mentally, physically, socially or morally dangerous and harmful to children; interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requires them to attempt to combine school attendance with excessively long and heavy work (International Labour Organization 2017). Relatedly, we use the United Nations High Commissioner for Refugees' (UNHCR) conceptualisation of child exploitation as 'the abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner – monetarily, socially, politically, etc'<sup>2</sup>. Building on this conceptualisation, economic exploitation in this report will denote; gain or profit through the production, distribution and consumption of goods and services as a result of the manipulation, misuse, abuse, victimization, oppression or ill-treatment of another for one's own advantage or benefit<sup>3</sup>.

Using the UNCRC, a GPN framework, and this conceptualisation of child labour and exploitation, allows the report to foreground key considerations central to the Terms of Reference for this research. These considerations form the four key themes of this report and are as follows:

- 1) The regulatory environment in professional football and the United Nations Conventions on the Rights of the Child:** this section identifies and analyses the regulatory frameworks, both national and international, that shape the recruitment of children into professional football and how these structures and frameworks might conflict with and compromise the rights of the child.
- 2) Mapping risks and child rights issues in football's global production networks:** this section identifies and examines the key sites (*or nodes*) encountered by children as they move through the global football industry's recruitment networks

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<sup>2</sup> UNHCR 'Action for the Rights of Children (ARC)' <http://www.unhcr.org/3bb81aea4.pdf>

<sup>3</sup> Drawing on the United Nations High Commissioner for Human Rights report on 'Economic Exploitation of Children' <http://www.ohchr.org/EN/HRBodies/CRC/Documents/Recommandations/exploit.pdf>

- 3) Contextualising and auditing risks and child rights issues in football's global production networks:** this section uses the UNCRC to analyse how children's rights might be impinged upon by the encounters identified, and where the child rights risks/infringements are most prominent. Attention is paid to power dynamics at play in children's recruitment into the football industry, and how global economic inequalities and more localised socio-cultural norms accentuate risks to children's rights in context-specific ways.
- 4) Recommendations and future research agendas:** In view of the findings from sections 2-3, this section provides recommendations in relation to the key risks and child rights issues in football's GPN. It also identifies gaps in available evidence and outlines future research agendas.



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## 2. The United Nations Conventions on the Rights of the Child and the regulatory environment in professional football

### 2.1 Introduction

The last two decades has witnessed an ongoing debate involving international, regional and national governing bodies of the game, sport and non-sport NGO's, politicians, the media and the United Nations, around how best to ensure that the interests and well-being of child football players are adequately protected, and risks to their rights and welfare are identified and addressed (Donnelly & Petherick 2004; European Commission 2007; Lindberg 2006). To date, the response by the Fédération Internationale de Football Association (FIFA), captured in their international transfer regulations introduced in 2001 and modified in 2005, 2009 and 2015, appears well-intentioned. These regulations were motivated by a desire to bring order to international transfers. The imposition of an age limit of 18 for international transfers or 16 in the European Union (in particular circumstances), attempted to minimise the potential for the trafficking or abuse of minors internationally.

The activities of football clubs in seeking competitive advantage and loopholes in the transfer regulations, combined with European wide rules on 'home-grown' players and inconsistent national policies on the minimum age at which players can sign professional contracts in Europe, have inadvertently increased precariousness within the industry for child players (especially migrants) and for those aspiring to enter the professional game (Lembo 2009; Mauro 2017; Rowe 2016). Rather than limit the international trade in minors, policy incoherence at international and national levels in football has contributed to an increase in the numbers of international transfers involving minors with a record 2,323 being registered in 2015 (Rowe 2016). While all of these transfers met FIFA's legal requirements, the world body has raised concerns that an increasingly speculative pursuit of young, cheap talent that might have significant resale value, prioritises sporting and economic interests over a concern for the well-being of minors (Rowe 2016).

Despite its progressive rhetoric, FIFA's policy response to the recruitment of minors has been contradictory. In March 2015, it lowered the age at which an international transfer certificate is required from 12 to 10 in order to extend the protections offered by its transfer regulations to younger minors who fell outside the reach of its regulatory framework. However, later the same month, FIFA effectively deregulated the international transfer market by ending the licensing scheme for player's agents and passing oversight responsibilities, to what are known as 'intermediaries', to the national associations. This led to fears that these reforms would create a 'wild west' scenario in football, one in which the rights and welfare of children are placed at significant risk (Riach 2015).

This section provides an overview of the regulatory environment in which the context described above is taking place. The chapter will outline how the UNCRC is used as a methodological framework within the report and provide an overview of the regulatory environment and frameworks that govern the recruitment of minors within football globally. A key objective of this section will be to begin identifying potential limitations in existing regulations and tensions between regulation concerning the protection of minors within the football industry and the UNCRC. The key guiding questions are: What tensions exist between the existing regulatory frameworks and the UNCRC? Where are these tensions potentially greatest?

## 2.2 The UNCRC as a methodological framework

The United Nations Convention on the Rights of the Child (1989) underpins our assessment of children's rights in this report. We use the UNCRC in two ways:

- As a framework for understanding the scope of content of the rights of children;
- As a methodological tool for auditing compliance using a children's rights approach to law and policy.

The UNCRC enumerates a wide-ranging set of rights impacting upon most areas of a child's life and is a useful framework for identifying where children's rights violations may have or can occur in the GPN associated with the football industry. The UNCRC is the most successful rights treaty in existence, signed by every country in the world and ratified by all except the United States. It represents globally accepted standards of children's rights and, crucially, recognises children as subjects and holders of



human rights. The UNCRC defines ‘child’ as every human being under the age of 18 years (Article 1).<sup>4</sup> The Convention enshrines several substantive rights held by children in key areas of their lives. These include, amongst others, the right to life (Article 6), family life rights (Article 9 and 10), the right to health (Article 24), the right to an adequate standard of living (Article 27), education rights (Articles 28 and 29) and the right to relaxation and play (Article 31). In addition, there is an obligation placed on governments to protect children from violence, abuse and neglect (Article 19), economic exploitation (Article 32) sexual exploitation (Article 34), other forms of exploitation (Article 36) and abduction, sale and trafficking (Article 35).

Underpinning these rights in specific areas, the UNCRC outlines four cross-cutting principles which are to be applied when making decisions that affect children, or when elaborating laws and policies which impact upon them. These are:

- Primary consideration must be given to the best interests of the child in all actions affecting them - Article 3(1)
- The child has a right to participation in all matters affecting them - Article 12
- The child has a right to survival and development - Article 6
- The child has a right to non-discrimination - Article 2

Taken together, these principles provide a children’s rights ethos, which should be used to scrutinise engagement with and treatment of children. Whilst state parties are the addressees of the UNCRC, its principles are now enshrined in global legal systems at a range of scales. As such, a UNCRC-informed approach places obligation on a range of ‘duty bearers’ who ‘have an active role to play in ensuring that the rights of the young people in their care are secured’ (Shrestha & Giron 2006; 8). These can include public and private bodies, charities and NGOs, as well as individuals.

As well as outlining the scope and content of rights, the UNCRC is a useful tool for assessing the effectiveness of laws and policies in upholding the rights of the child. A children’s rights based methodology – which takes the UNCRC as its starting point – allows us to understand interactions between the child, the state and society (Hanafin & Brooks 2005a; Kilkelly 2006). A key feature of children’s rights based evaluations is that they take the child as the unit of analysis, thereby enabling individual experiences

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<sup>4</sup> We will adopt the same definition for the purposes of this report.

to inform assessments. Children's rights evaluations are sensitive to the cultural context in which children grow up and should demonstrate an understanding of why actors behave as they do within this environment (Shrestha & Giron 2006). The evaluative function of children's rights indicators requires that they are used in all stages of programming; this includes, planning, implementing, monitoring and evaluation of programmes (ibid 2006). Therefore, this report will adopt four core principles in our assessment of the impact of recruitment practices within the football industry's GPN on children's rights. These principles are as follows:

- Our emphasis will be upon the ways in which law, policy and regulation impact upon the lived experiences of individual children.
- We will identify the various actors involved in football's global production networks – either through direct involvement or through a regulatory/legislative function – whose actions impact the realisation or frustration of children's rights.
- Our evaluation assumes that for children's rights to be realised, every stage of the processes we identify must be influenced by a UNCRC ethos – from planning of legislative and policy programmes, through to their implementation and application to individual children.
- Any assessment of children's rights must be sensitive to the particular cultural context in which laws and policies operate, particularly when assessing GPNs which involve children crossing cultural and jurisdictional boundaries.

### 2.3 The regulatory environment governing the recruitment of child players into professional football

Children who engage with football's global recruitment processes encounter a complex web of law, regulation and policy. In this section, we focus primarily upon football's regulatory frameworks and how they impact on children. However, it is important to note that these regulations do not operate in a legal vacuum and the experiences of child players are also shaped by factors outside of the sport (Esson 2015a; Franzini 2005; Rial 2014). A child participating in football falls under the protection of the domestic child protection regulations of the country in which they are playing. For example, where a player migrates as part of the recruitment process, the ease (or difficulty) with which they do this is influenced not only by the football industry's own regulations on the international transfer of players, but also by the immigration rules of the country they are travelling to. Furthermore, where the player's

migration involves an element of deceit or coercion, they should be protected by anti-trafficking measures, both in the countries they are travelling to and from, and at an international/regional level (Esson 2015b). Finally, any contract entered into by a child player will fall under the jurisdiction of the employment and contract laws of the country in which the agreement is made, as well as being subject to football's own internal regulations.

Efforts to unpack the impact of football's global recruitment practices on child players must therefore scrutinise the successes and failures of law and regulation both from within – and external to – the football industry. The focus of our report here, however, is on the internal regulation of football's recruitment processes primarily, as this provides a consistent initial reference point for all child players irrespective of their subsequent interactions with child protection, immigration, anti-trafficking, contract and employment law. In other words, the football industry's regulatory frameworks shape future interactions with other areas of law.

### 2.3(i) FIFA Regulations for the Status and Transfer of Players (FIFA RSTP)

The regulatory framework that governs the recruitment of child players in the football transfer system is put in place by FIFA through a set of rules under its Regulations for the Status and Transfer of Players (hereafter referred to as 'RSTP'). Since its inception, the framework has been evolving through FIFA's revisions and the jurisprudence of the Sub-Committee of the FIFA Players' Status Committee (PSC) and the Court of Arbitration for Sport (CAS). Recognising the necessity to tackle the abuse of children and to provide a stable environment for their training and education, FIFA originally incorporated a specific provision within the RSTP 2001.<sup>5</sup> The focal point of the framework is a general prohibition of international transfer of players under the age of 18 (defined as 'minor') (FIFA RSTP 2001 Art. 12(1)). Alongside international transfers, the prohibition is also applicable to "first registration" of a minor player with a club in a country other than that of his nationality (FIFA RSTP 2001 Art. 12(2)).

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<sup>5</sup> FIFA Circular No 769. Available at:

[https://resources.fifa.com/mm/document/affederation/administration/ps\\_769\\_en\\_68.pdf](https://resources.fifa.com/mm/document/affederation/administration/ps_769_en_68.pdf)

FIFA Regulations on the status and transfer of players 2001. Available at:

[https://www.fifa.com/mm/document/affederation/administration/regulations\\_on\\_the\\_status\\_and\\_transfer\\_of\\_players\\_en\\_33410.pdf](https://www.fifa.com/mm/document/affederation/administration/regulations_on_the_status_and_transfer_of_players_en_33410.pdf)

Mindful of finding a balance between the protection of minors and respecting freedom of movement within Europe (European Commission, 2001), FIFA also established two exceptions to the prohibition. First, the “parents-rule” permits the international transfer of minors if their family moves to the country of the new club for reasons not linked to football (FIFA RSTP 2001 Art. 12(1)(a)). Second, the “EU-EEA rule” allows minors under the age of 18 but above the minimum working age to move within the EU and EEA territory subject to the condition that their sporting and academic training is guaranteed by the new club (FIFA RSTP 2001 Art. 12(1)(b)). FIFA’s PSC and the national associations are responsible for monitoring compliance of clubs.

FIFA’s PSC is also an adjudicating body on any dispute arising from the international transfer of minors and its decisions can be appealed against through CAS (FIFA RSTP 2001 Art. 3.8). Additionally, the international transfer of minors is also subject to the International Transfer Certificate (ITC) which is required for any players over the age of 12.

In 2002, a third exemption to the prohibition was added to the framework following the decision of the FIFA PSC amending the rules of FIFA RSTP 2001,<sup>6</sup> which sought to account for the situation of players living close to borders. The “50+50 rule” allows minors living no further than 50km from a national border to register with a club in a neighbouring association which is also within 50km of that border (FIFA RSTP 2001 Art. 12(1)(c)). The maximum distance between the player’s domicile and the club’s headquarters cannot exceed 100km and the player must continue to live at home. National associations were asked to monitor the compliance with this third exception as well.<sup>7</sup>

The next revision of the framework took place via the amended version of the FIFA RSTP that came into force in July 2005 (RSTP 2005).<sup>8</sup> The prohibition and the exemptions were moved under the article 19 of FIFA RSTP 2005. In relation to the parent rule, the wording “family” changed to “parents” therefore limiting the scope of

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<sup>6</sup> FIFA Circular No 801. Available at:

[http://resources.fifa.com/mm/document/affederation/administration/ps\\_801\\_en\\_78.pdf](http://resources.fifa.com/mm/document/affederation/administration/ps_801_en_78.pdf)

<sup>7</sup> Ibid.

<sup>8</sup> FIFA Regulations on the status and transfer of players 2005. Available at:

[https://www.fifa.com/mm/document/affederation/administration/regulations\\_on\\_the\\_status\\_and\\_transfer\\_of\\_players\\_en\\_33410.pdf](https://www.fifa.com/mm/document/affederation/administration/regulations_on_the_status_and_transfer_of_players_en_33410.pdf)

the exemption (FIFA RSTP 2005 Art. 19.2(a)). With regards to the EU-EEA rule, the minimum age limit of 16 was introduced for the international transfers of minors within the territory and additional requirements of arrangements by the new club for the academic education and living conditions of the players were incorporated (FIFA RSTP 2005 Art. 19.2(b)). Additionally, the responsibility of national associations to ensure the compliance of clubs with the rules (FIFA RSTP 2005 Art. 19.4) and the adjudicatory power of the FIFA PSC for any related dispute and to impose sanctions for violations (FIFA RSTP 2005 Art. 19.5) were clearly outlined.

Two cases (CAS 2005/A/955 & 956, CAS 2008/A/1485) brought before the CAS provided clarity about the regulations. The first case (CAS 2005/A/955 & 956) involved the international transfer of Carlos Javier Acuna Caballero, a 16-year-old Paraguayan player, to Spanish Club Cadiz FC within which the parties relied upon the parent rule of Art 19(2)(a). First and foremost, the CAS confirmed that the prohibition of the international transfer of minors does not contradict mandatory principles of public policy under Swiss law or any other national or international law due to the legitimate objective, i.e., the protection of minors, pursued by the framework which is also proportionate to that objective (Para 7.2). On the assessment of the applicability of the exemption in the case, the CAS adopted a strict interpretation of the rules by stating “the task of the CAS is not to revise the content of the applicable rules but only to apply them” (Para. 7.3.10) and dismissed the appeal by concluding that the mother’s move to Spain was linked to player’s decision to move for footballing reasons initially (Para 7.3.8). The family’s financial difficulty in Paraguay was not considered to be relevant for the assessment (Para 7.3.10). The second case (CAS 2008/A/1485) concerned the international transfer of Nigerian minor players to Danish club, FC Midtjylland. In the award rendered, the CAS confirmed that that the international transfer prohibition of players under the age of 18 is applicable equally to both amateur and professional football players (Para. 7.2.4). Both cases involved male minors, but in theory the rulings would have been the same had they involved female players.



The most significant revision of the framework took place in 2009 and came into force on 1st October 2009 (FIFA RSTP 2009).<sup>9</sup> Firstly, the new supervisory body, the Sub-Committee, appointed by the FIFA PSC was created to oversee the examination and possible approval of every international transfer and the first registration of minor players. The approval of the Sub-Committee must be obtained prior to the request by associations for an ITC or a first registration (FIFA RSTP 2009 Art.19.4). Secondly, football academies were brought under the framework through the incorporation of a new article into the RSTP (FIFA RSTP 2009 Art. 19bis). Under this new provision, all minor players in academies with legal, financial or de facto link to a club must be reported to the national association upon whose territory the academy operates (FIFA RSTP 2009 Art. 19bis.1). Associations are responsible to ensure all academies report all minors and shall keep a register comprising the names and dates of birth of minors who have been reported by the clubs or academies (FIFA RSTP 2009 Art. 19bis.2 & 3). Additionally, FIFA's Disciplinary Committee is given power to sanction any non-compliance by any club or association with the approval and reporting requirements of Article 19 and 19bis. Finally, the new procedural rules were established for the application to the Sub-Committee under which FIFA's Transfer Matching System (TMS), the web-based information processing system for international transfers, is also incorporated to the framework (FIFA RSTP 2009 Annex 2).

Following the 2009 revision, the frameworks remained unchanged until 2015 despite FIFA's amendments to the RSTP, but the CAS jurisprudence provided further clarity to the application and interpretation of Article 19. In the Elmir Muhic case (CAS 2011/A/2354) involving the transfer of a 16-year-old player from Bosnia-Herzegovina to Germany, the CAS confirmed once again the strict interpretation of the rules and specified that the term 'parents' under Article 19.2 (a) should be interpreted *stricto sensu* and does not cover relatives such as an aunt (Para. 17). In the Vada II case (CAS 2012/A/2862) involving the transfer of 16-year-old players with dual nationality (Argentinian and Italian) from Argentina to France, the CAS clarified that the EU-EEA rule (Article 19.2(b)) shall not be restricted to the transfers within the territory of EU/EEA if the players in question is a national of a EU/EEA country. The decision

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<sup>9</sup> FIFA Regulations on the status and transfer of players 2009. Available at: [https://resources.fifa.com/mm/document/affederation/administration/66/98/97/regulationsstatusandtransfer\\_en\\_1210.pdf](https://resources.fifa.com/mm/document/affederation/administration/66/98/97/regulationsstatusandtransfer_en_1210.pdf)

therefore allows the international transfer of minors with dual nationality from non-EU/EEA country into a EU/EEA country as long as the conditions of the Art.19.2(b) are satisfied (Derungs 2015).

In March 2015, FIFA amended the age limit for the requirement of ITC of minor players. Concerned with increased number of international transfer of players younger than 12, FIFA reduced the age limit for which the ITC is required to the age of 10 (FIFA RSTP 2015 Art. 9.4).<sup>10</sup> Therefore, national associations are now obliged to apply for the approval of any international transfer of a minor player or the first registration of a foreign minor player to the Sub-Committee for any player as of the age of 10.<sup>11</sup> Moreover, for the registration of any player under the age of 10, although there is no requirement of ITC and the approval of the Sub-Committee, it is the responsibility of national associations to scrutinise that the requirements of Article 19.2 are complied with.<sup>12</sup>

The final changes to the framework came into force on 1<sup>st</sup> June 2016 by the introduction of a new exemption, the “five-year rule”, through the jurisprudence of the Sub-Committee.<sup>13</sup> The exemption is related to the first registration of a minor player, rather than the international transfer, and allows the first registration with a club in a territory that the child player is not a national provided that they have lived continuously for at least five years in that territory immediately prior to the intended first registration. However, this first registration is still subject to the approval of the Sub-Committee (FIFA RSTP 2016 Art.19.3 & 19.4).<sup>14</sup>

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<sup>10</sup> FIFA Regulations on the status and transfer of players 2015. Available at: [http://resources.fifa.com/mm/document/affederation/administration/02/55/56/41/regulationsonthestatutsandtransferofplayersapril2015e\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/55/56/41/regulationsonthestatutsandtransferofplayersapril2015e_neutral.pdf)

<sup>11</sup> FIFA Circular No. 1468. Available at: [http://resources.fifa.com/mm/document/affederation/administration/02/51/06/50/circularno.1468\\_e\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/51/06/50/circularno.1468_e_neutral.pdf)

<sup>12</sup> Ibid.

<sup>13</sup> FIFA Circular No. 1542. Available at: [http://resources.fifa.com/mm/document/affederation/administration/02/79/97/47/circularno.1542-amendmentstotheregulationsonthestatutsandtransferofplayers\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/79/97/47/circularno.1542-amendmentstotheregulationsonthestatutsandtransferofplayers_neutral.pdf)

<sup>14</sup> FIFA Regulations on the status and transfer of players 2016. Available at: [https://resources.fifa.com/mm/document/affederation/administration/02/70/95/52/regulationsonthestatutsandtransferofplayersjune2016\\_e\\_neutral.pdf](https://resources.fifa.com/mm/document/affederation/administration/02/70/95/52/regulationsonthestatutsandtransferofplayersjune2016_e_neutral.pdf)

There are also two more exceptions that have been established through the jurisprudence of the Sub-Committee and the CAS. In particular, the Sub-Committee exceptionally accepted applications regarding to;

- a) unaccompanied refugee players: minor players that are moving to another country without their parents' due to humanitarian reasons and could not be expected to return to their country of origin due to the danger to their life or freedom on account of race, nationality, religion, membership of a particular social group or political freedom,
- b) exchange student players: where a minor's academic or school education is the primary reason for the international movement without his/her parents and the maximum registration of the minor with the respective club does not exceed one year, provided that the minor returns home immediately after the end of the educational programme or turn 18 before the end of the programme (FIFA, 2017)

### 2.3(ii) UEFA Home-Grown Player Rule

UEFA introduced the 'home-grown players' rule for male teams entering its European competitions, i.e., Champions League competition (UCL)<sup>15</sup> and Europa League (UEL)<sup>16</sup> competition in 2005, and recommended national association adopt similar measures for their domestic leagues. The rule requires every team participating in European competitions to name 8 home-grown players (referred as 'locally trained players'). In a squad limited to 25 players 4 of these players have to be 'club-trained' and the other 4 have to be 'association trained' (UEFA Champions League Regulations 2015-2018 (UCLR) Art. 43.2, UEFA Europe League Regulations 2015-2018 (UELR) Art.42.2). A 'club-trained player' is a player who, between the age of 15 and 21, irrespective of their age or nationality, has been registered with his current club for a period, continuous or non-continuous, of three seasons or of 36 months (UCLR Art 43.4, UELR Art 42.4). An 'association-trained player' is a player who, between the age of 15 and 21, irrespective of their age or nationality, has been registered with a club or other clubs affiliated to the same association as that of his current club for a period, continuous or non-continuous, of three seasons or of 36

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<sup>15</sup> UEFA's Champions League Regulations (men) Available at: [https://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/87/89/2358789\\_DOWNLOAD.pdf](https://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/87/89/2358789_DOWNLOAD.pdf)

<sup>16</sup> UEFA's Europa League Regulations (men) Available at: [https://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/92/45/2359245\\_DOWNLOAD.pdf](https://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/92/45/2359245_DOWNLOAD.pdf)

months (UCLR Art 43.5, UELR Art 42.5). If a club has fewer than 8 locally trained players in its squad, then the maximum squad number of 25 players is reduced accordingly (UCLR Art 43.6, UELR Art 42.6). There is no similar provision for the women's game currently <sup>17</sup>.

### 2.3 (ii) FIFA Training Compensation Rules

An additional set of rules that aims also to limit the international transfer of players and to encourage the training of 'local' child players are FIFA's training compensation rules under the FIFA RSTP. Compensation is payable to a player's training club(s) when a player signs their first professional contract and each time a professional is transferred between clubs, either during or at the end of the player's contract, until the end of the season of their 23<sup>rd</sup> birthday (FIFA RSTP 2016, Art. 20). In principle, training compensation is payable for training incurred during the period commencing from the season of the player's 12<sup>th</sup> birthday up to the player's 21<sup>st</sup> birthday and becomes due when a player is registered as a professional for the first time or transfers between clubs of two different associations before the end of the season of their 23<sup>rd</sup> birthday (FIFA RSTP 2016, Annexe 4.1-4.2). The calculation of the cost resulting from the training and education of a player is based on the training cost of the new club of the player and multiplied by the number of years that they spent with their former club (FIFA RSTP 2016, Annexe 4.5(2)). The training cost is a standard set fee established by confederations and national associations through the categorisation of clubs (from category 1 clubs with the highest training cost to category 4 clubs with the lowest) (FIFA RSTP 2016, Annexe 4.4).

With regards to the training of minor players, there is an important exception under the Annexe 4.5(3) of FIFA RSTP 2016. Aiming to set training cost of very young players at not unreasonably high levels, the training cost of category 4 clubs (i.e., the lowest training cost) is applicable for the seasons between player's 12<sup>th</sup> and 15<sup>th</sup> birthdays (i.e., four seasons) regardless of the category of the new club. This has a drastic impact on the level of training compensation payable by clubs. The exception was initially incorporated into the FIFA RSTP in 2001 in the same format as it is now. However, FIFA amended it in 2009 to stipulate actual training cost of the new club

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<sup>17</sup> UEFA's Champions League Regulations (women) Available at: [http://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/37/41/2353741\\_DOWNLOAD.pdf](http://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/35/37/41/2353741_DOWNLOAD.pdf)

(whichever category the club might be) as the basis of training compensation for the transfer of minors before the season of their 18<sup>th</sup> birthday which meant that a higher level of training compensation was payable by clubs for the recruitment of child players. Nevertheless, surprisingly, FIFA re-amended the exception in 2014 back to its original format which came into force on 1<sup>st</sup> August 2014 which significantly reduces the level of compensation payable for training of child players.<sup>18</sup>

### 2.3 (iv) FIFA Regulations on Working with Intermediaries (RWI)

Intermediaries in football (also known as ‘player’s agents’) have emerged as one of the most powerful actors in the player transfer market, operating as the bridge between players and clubs (Poli 2010). However, regulating the middlemen in football has been rather challenging for football governing bodies due to the transnational nature of agency activity and the lack of jurisdictional link (Rossi et al. 2016; Soaraes 2015). Originally, FIFA established a regulatory framework based on a licensing system in 1994, but eventually decided to reform the system in 2009 mainly due to the operation of unlicensed agents, as only 25-30% of international transfers were actually conducted via licensed agents, and a number of problems with the activities of licensed agents that included the exploitation of child players (KEA et al. 2009). The more recent regulatory framework was based on the concept of intermediaries under which FIFA regulated actual transfer activity rather than the individual that involved was in the process. Therefore, the framework was considered as the de-regulation of the agent market.

FIFA Regulations on Working with Intermediaries (RWI) came into force in 2015 and established minimum standards and requirements for the activities of intermediaries and the registration system. National associations also adopted their own regulations on intermediaries in line with the FIFA RWI (FIFA RWI Art. 1.2) and bear the responsible to monitor the compliance of clubs, players, and intermediaries with the regulatory framework and to sanction any party under their jurisdiction for any regulatory violation (FIFA RWI Art. 9.2). With regards to child players, there are two important provisions under the FIFA RWI which represent the protection measures of the framework. Firstly, the validity of the representation contract between a minor

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<sup>18</sup> FIFA Circular No. 1437. Available at: [http://resources.fifa.com/mm/document/affederation/administration/02/40/78/36/circularno.1437-amendmentstotheregulationsonthestatutsandtransferofplayers\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/40/78/36/circularno.1437-amendmentstotheregulationsonthestatutsandtransferofplayers_neutral.pdf)



player and an intermediary is subject to the signature of a player's legal guardian and the compliance with national law (FIFA RWI Art.5.2). Secondly, clubs and players are prohibited to make payments to intermediaries for their services of negotiating employment contracts or transfer agreements if the player concerned is a minor (FIFA RWI Art. 7.8). Nonetheless, the implementation of the FIFA RWI at national levels varies and therefore there is a regulatory inconsistency. Some national associations completely prohibit the representation of minors (e.g. Portugal and Japan) whilst some others allow intermediaries to receive remunerations from minors if a player is aged between 15 and 18 year olds (Slovakia, China, Czech Republic) (Colucci 2016)

## 2.4 The UNCRC and the regulatory environment governing the recruitment of child players into professional football

The outline above of the regulatory environment governing the recruitment of child players into professional football illustrates that the creation, implementation and operation of rules can shape a child's experiences in the game. This detail also provides a regulatory context in which to examine the extent to which child players enjoy the rights set out in the UNCRC. This goes beyond exploring a player's desire to achieve a successful career in professional football. It requires an exploration of how the regulatory environment shapes children's engagement with health, education and family rights. There has been limited consideration of the connections between children's rights theory and the legal regulation of the football industry's recruitment practices.<sup>19</sup> This is in no small part due to the historic reluctance of sports governing bodies to submit to any form of legal scrutiny of their own regulations from outside. Whilst it is now accepted that sport must operate in a way that respects the principles underpinning wider legal systems, the application of human rights principles to sport remains patchy.

Sport's prevailing competitive and elitist cultures have not proven to be a fertile ground for any meaningful discussion of the interaction between children's rights and the impact of sport on the lived experiences of participants. This, however, is an untenable stance given the very real ways in which sports regulation can promote or inhibit the

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<sup>19</sup> An excellent body of work on child protection in sport, which addresses aspects of the football industry, has been produced e.g. by Celia Brackenridge and Paolo David (see bibliography), however to our knowledge no systematic analysis of recruitment practices within the global football industry (with specific reference to children's rights) has yet been produced.

enjoyment of rights. The methodology proposed here, therefore, is innovative both in its blending of the two relatively disconnected worlds of football regulation and children's rights, and in its rigorous and sustained scrutiny of an area that has historically escaped the critical lens of rights compliance. With this in mind, this report uses the legal and methodological framework offered by the UNCRC in the following ways:

- As the **methodological tool** for ensuring that the critique offered here captures the lived experiences of children as they navigate football's global recruitment processes.
- To highlight instances in which children's rights to be protected from **exploitation and abuse** are compromised.
- To assess the extent to which substantive rights in relation to **survival and development, education, health and family life** can be enjoyed through football recruitment processes.
- To consider the extent to which the **child's best interests** and their **right to have their voice heard** are reflected in football's recruitment processes.



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The next section examines the recruitment issues associated with the regulatory environment discussed above. It begins by mapping the nodes/sites encountered by child players as they move within the football industry's GPN and identifying the main actors and mechanisms (e.g. trials) involved in this movement. It then critically analyses the GPN using the UNCRC as an auditing mechanism to identify risks and children's rights issues within football.

### 3. Mapping and auditing risks and child rights issues in football's global production networks

#### 3.1 Introduction

Since the 1970s, football has been so thoroughly commercialised that it is routinely described as a global industry (Giulianotti and Robinson 2009). Beyond the growth and scale of the commercial revenues associated with this industry, the socio-cultural reach and appeal of the game around the world, aided by media broadcasting, positions it as one of the most significant cultural practices of our time. As part of this intensification of football's economic and cultural impact, the demand for talented labour has risen and the recruitment of this labour has become increasingly transnational, competitive and speculative (Agergaard and Tiesler 2014; Akindes 2013; Campbell 2011; Meneses 2013).

While the migration of players is not a recent phenomenon (Lanfranchi and Taylor 2001), global production and recruitment networks have lengthened and thickened during the last 20 years and the player pool in football's elite (and non-elite) leagues has become increasingly cosmopolitan (Poli & Besson 2015). This is reflective of a range of interdependent processes both within football and beyond. For example, the advance of neoliberalism and widening of global inequalities have intensified the pursuit of transnational mobility through football, as a route to social mobility for young people in the global South and beyond. The commercialisation of the game and the exponential growth in salaries that sectors of the European game (and elsewhere) can offer have been central in this process (Giulianotti 2012). As discussed in the opening section of this report, the Bosman Ruling and regulatory responses to it have further contributed to the creation of a truly globalised marketplace for football labour, one that increasingly features children (Donnelly & Petherick 2004; Esson 2015a).

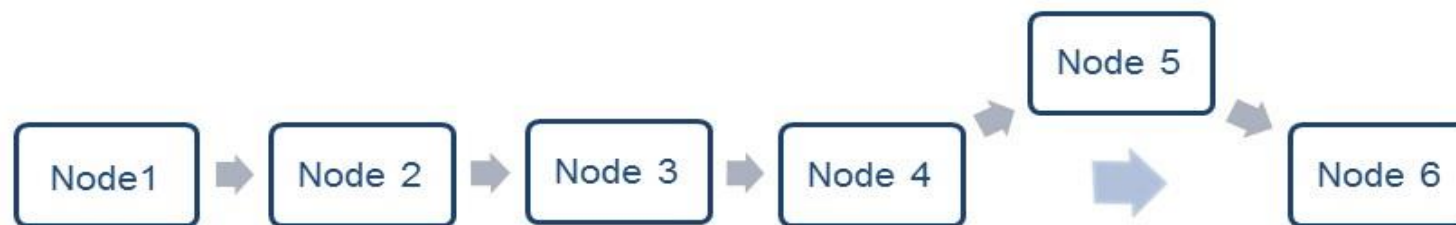
The first part of this section maps out the main nodes or sites encountered by child players as they journey within and through the football industry's recruitment networks before identifying the main actors and stakeholders involved in these networks. The second part uses the UNCRC to 'audit' the football industry's GPN as outlined above,

in terms of where child rights issues might arise and to determine the nature of the risks or infringements involved. This allows us to draw conclusions on the extent to which the 'best interests' of children are catered for in football. As part of this audit, we begin to identify regional variations in how children encounter global production networks in football and associated child rights impacts. The parameters of this report and the unevenness of published research on children's involvement in football throughout the world do not permit geographically representative coverage. Nonetheless, we emphasise regional variations throughout the discussion, which allows us to contextualise global recruitment networks in different regions in order to understand better the risks and rights issues encountered by children in football. The key guiding questions are: what are the 'sites' of interaction between the processes employed to recruit minors in professional (and amateur) football and the UNCRC? What is the nature of these interactions and where in the GPN are risks/infringements of child rights most prominent? What are the geographical or regional variations in the recruitment of child players into professional football? Which children are most at risk and why? Which risks are most frequently realised (i.e. which rights are most frequently violated?) and under what circumstances?

### 3.2 Children and football's global production networks

Beyond the increase in international transfers involving minors that fall within FIFA's regulatory frameworks (Poli et al. 2016), significant numbers of children are enmeshed in a wide range of networks, engage with a variety of key actors and stakeholders, and experience an assortment of mechanisms that may lead to their entry as contracted workers in the global football labour market. The key nodes in these networks that they encounter are detailed below. As part of our discussion of these, we begin to tease out some variations in how GPN's play out in different regional settings. Figure 1 below illustrates the archetypical trajectory of a child player within the football industry's GPN.

**Fig 1. Football's Global Production Network**



Node:

1. **Informal Football** - Key locations are the home and/or local recreational spaces. Key actors are family (both immediate and extended) and peers.
2. **Schools Football** – Key locations are educational institutions and/or local recreational spaces. Key actors are family (both immediate and extended), teachers and peers.
3. **Organised/Affiliated Football** – Key locations are amateur clubs and recreational spaces. Key actors are coaches, family (both immediate and extended) and peers.
4. **Elite Football Academies** - Key locations are semi-professional and professional clubs. Key actors are intermediaries, coaches, medical team (physical and psychological), family (both immediate and extended), teachers and peers.
5. **National Federation Youth Teams** (select players) – Key locations are national training complexes and international tournaments. Key actors are intermediaries, coaches, medical team (physical and psychological), family (both immediate and extended) and peers.
6. **Senior Divisions** - Professional/Semi-Professional/Amateur



### 3.2 (i) Early exposure to informal football

This node represents the entry point in terms of children's engagement with football. It occurs organically at an early age, is characterised by informal play with peers, siblings or parents in local neighbourhoods, and is linked to the long-standing cultural pervasiveness of football around the world and the opportunities it offers for physical activity and enjoyment. While some of these structures are more prominent in certain national contexts than in others, this stage in children's journeys through the game is universal. In relation to the UNCRC and human rights more generally, some argue that opportunities to play sport as a form of leisure should be encouraged (Austin 2007). While these informal, incipient sites of interaction with the game sit outside the more formalised elements of GPNs in football, they are crucial in determining the flow of child players into the network (Darby 2013; Poli 2005a). If players are enamoured by the game, and provided with suitable support, they are likely to become involved in more formal youth football structures. However, it is important to note that the speculative nature of professional football and its association with financial gains has resulted in cases where children who would normally not be considered 'talented', i.e. they are not demonstrating the ability to perform at an elite level, are still encouraged to pursue a career in football by family members, peers and coaches for amateur teams. In some cases, this is to the detriment of their primary and secondary education (Esson 2013; Palmiéri 2015).

### 3.2 (ii) School football

Within education systems in most countries around the world, it is a legal requirement to make provision for physical education in primary (89%) and secondary (87%) schools (Hardman 2008). This figure rises to 95% when those countries that make provision for PE outside of statutory requirements are included (ibid 2008). It is important to recognise that there is geographical variance in terms of the relationship between statutory requirement and actual practice, in the status of PE in education systems, in the allocation of curriculum time, and in terms of the numbers of adequately trained and competent teachers. However, it is still the case that internationally, schools provide an important entry point into sport and physical activity for children. Competitive sports activities, particularly games and track and field, dominate PE curricula globally and it is acknowledged that these curricula introduce

children, of all sexes, to a performance sports discourse that sets some on the path to the pursuit of a professional career in sport (UNESCO 2014).

The pervasiveness and popularity of football globally is such that this sport features prominently in both PE curricula and in inter-schools competition around the world. In those constituencies where football has traditionally not featured in education systems, there are moves to redress this. For example, as part of its Football Development Reform Plan (2015-2025) China aims to increase the number of schools 'with strength in football' to 50,000 while in Beijing, the high school entrance exam has seen the addition of an elective 'football skills' test. In Japan, since the inception of the J-League in 1991, football has become the most popular sport in junior and senior high schools. Participation in football via this node often constitutes a platform for children to progress to or be recruited into other sites in football's GPNs.

### 3.2 (iii) Organised/affiliated youth football

Alongside school football, children in all FIFA member nations participate in youth level football through a network of affiliated clubs and leagues which cater for a range of age groups and operate outside of the youth structures of professional clubs. In England for example, there are more than 33,000 youth teams registered with the FA catering for just over 600,000 players with an estimated 3.35 million children aged between 5-15 engaging in the various forms of football ranging from casual 'kickabouts' to organised competition (FA 2015). Similar models of provision for competitive, organised youth football are apparent elsewhere in Europe.

In West Africa, organised youth leagues are expanding to cater for an increasing appetite for the game at this level, but in Ghana the system of organised 'colts' or amateur youth leagues (under 12, 14 and 17) is peerless across the region. By 2011, there were an estimated seven hundred clubs registered with the Ghanaian Football Association across twelve regional zones. Two hundred and forty of these were located in the capital Accra catering for an estimated 25,000 registered players (Esson 2015b). This node runs alongside more elite youth football structures (discussed in the next section), and there is permeability between them, with child players being recruited into these structures through their engagement with amateur youth football.

On the Asian continent, Japan possesses a comprehensive system of youth football encompassing academies, youth teams and leagues that complements the prominent position of the game in Japanese schools (Light 2007). In South Korea, similar structures are in place to develop youth players predominantly for the 'K League', some of whom subsequently move to play abroad (Duerden 2012; Lee 2015). As with school football, organised youth football represents an important site where child players hone their skills and develop aspirations to pursue the game as a career. Domestic youth clubs and leagues also channel players into some of the more elite level youth structures that seek to move beyond *participation* and engage children in a more *performance-oriented* environment focused around producing professional players.

### 3.2 (iv) Football academies

Football academies, defined as facilities or programmes that aim to identify, develop and often export talent for the professional game, are a critical node in football GPNs (Darby et al.2017). Their significance in this regard was apparent in the most recent report of FIFPro<sup>20</sup>, the worldwide professional players union, published in 2016 which revealed that 55% of under-18 (child) players with a professional contract had entered the professional game through an academy. There is considerable variance, internationally, in how football academies are structured and operate and how they engage child players. All have a primary focus on football training, but many also require children to attend school, either on-site or in local schools. Some academies are entirely residential and involve players living at the academy facility away from the parental home. Others will be non-residential and child players will continue to live at home while making frequent visits to the academy facility to train and play matches. The typical age of recruitment is 10-12 years of age but children up to age 18 take up academy places. Some require training on a part-time or time limited basis while others are full-time and year-round.

Throughout the higher echelons of the European game, most professional clubs possess an academy. The minimum age at which clubs can recruit varies across

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<sup>20</sup> Available at:

[https://www.fifpro.org/attachments/article/6706/2016%20FIFPro%20Global%20Survey%20-%20TopFindings\\_1128.pdf](https://www.fifpro.org/attachments/article/6706/2016%20FIFPro%20Global%20Survey%20-%20TopFindings_1128.pdf)

different national contexts but in England for example, where the minimum age is nine, many clubs operate affiliated development programmes which cater for younger players. Thus, in practice, the reach of professional clubs often extends to children of any age. The further players progress through the academy system, the more intensive the demands and commitment becomes. At 16, the most talented child players in the English system progress onto a two-year academy scholarship, a full-time programme of training aimed at producing professional players (Mills et al. 2015). Variants of this model can be seen elsewhere in the European game although in other national contexts, the national federations play more of a role in developing players through elite academies. This is most notable in the French system where child players combine football training with education at one of twelve elite youth academies (Krasnoff 2013).

Beyond facilitating the recruitment and development of domestic talent, there are myriad academies that operate more transnationally and produce talent in one national context with the aim of exporting it to another. These sorts of academies are particularly prominent throughout Africa. While clubs that compete in 'professional' leagues across the continent run youth academies to prepare players for domestic football, many focus on developing players for the international market. The academy of the Ivorian club, ASEC Mimosas is among the most well-known and successful in this regard while in Ghana, Liberty Professionals have gained renown in recent years for their success in producing young players for the professional game in Europe.

While some of these academies operate independently, others have entered into partnership arrangements with European clubs and essentially operate as 'farm' or 'feeder' academies/clubs. These sorts of arrangements are most marked in West Africa, with some of the more prominent examples in Senegal, Mali and Ghana (Darby et al. 2017). Other forms of academy structures exist throughout the African continent. These include: academies established and operated by European teams as an exercise in 'off-shoring' talent production; privately sponsored academies; and charitable ventures that combine football and education. Alongside this more organised segment of the academy system in Africa, there are a whole plethora of improvised, non-affiliated set-ups run by local entrepreneurs that seek to produce saleable players for the domestic and international market.

Football academies oriented around producing talent for export are also widespread in Latin America where developing players for international markets is considered crucial for the economic sustainability of clubs (Trumper & Wong 2011). While Europe is the primary marketplace for Latin American players, in recent years their movements have become much more diffuse with Brazilians particularly widespread (Poli & Besson 2011; Rial 2014). Those Latin American players who move through the local youth academy system to the 'big five' European leagues tend to remain in their country of birth for longer than their African counterparts with the average age of first move for Africans being 18.9 years and 22.1 years for Latin Americans (Poli et al. 2009).

One of the other distinguishing features of the production and export of young Latin American players is the extent to which private investor involvement, specifically third-party ownership (TPO), characterised this process. TPO in football was particularly prominent in Brazil, Argentina and Uruguay and involved private investors (individual, company or fund) acquiring part of the economic rights of players in order to influence and benefit from player transfers (Lindholm 2016; Melero & Sorion 2012; Robalinho 2013). The extent of this practice was most marked in Brazil where it was estimated that 90% of players in the country's top division were linked to third parties (Majithia 2014). This practice was seen as a legitimate form of investment in football clubs in the region but following complaints and lobbying from UEFA, TPO was banned by FIFA in 2015. However, sanctions imposed by FIFA against clubs in Brazil, Spain, Belgium and Holland in 2016 for contravening its revised regulations around third party involvement in international transfers, reveals that these practices have not been totally eradicated and are widespread internationally (Wilson 2016).

On the Asian continent, football academies are increasingly prominent as part of the Chinese government's drive to turn the country into a football superpower by 2050. For example, in 2012 Guangzhou Evergrande, China's most successful club, opened a 167-acre, \$185 million football academy in rural southern China which caters for 2,400 boarding students (Beech 2014). While not on the same scale as the Evergrande academy, a \$9 million facility modelled on FC Barcelona's famed La Maisa academy and based in Hainan, opened its doors to 1,000 children from ages 6 and upwards in 2017 (Phillips 2017).

The growth in youth football academies as part of state aspirations to build footballing prowess has also been prominent in Qatar. While the Aspire Academy is a multisport programme, it has a strong emphasis on football. The football programme has been operating since 2004, is located in Doha, and caters for Qatari youth aged between 12-18. However, it also operates transnationally through its 'Aspire Football Dreams' (AFD) project which, since 2007, has recruited 20 players each year mainly from Africa. The programme currently involves players from 13 countries in Africa, two from Asia and three from Latin America who are then located at Aspire's sister facility in Senegal. Once players from either Doha or Dakar turn 18, the most talented have the opportunity to move to Europe where they sign for either KAS Eupen in the Belgian First Division or Cultural y Deportiva Leonesa in the Spanish second division; clubs that are owned by the Aspire Academy<sup>21</sup>. While Aspire frame AFD as a humanitarian project, there are lingering suspicions that the objective will be to assimilate players from this project into their World Cup team when they host the tournament in 2022 given the nationality transfers in other sports in Qatar (Bickenstaff 2014; Campbell 2011; Montague 2014).

Academies are clearly pivotal in the training of child players for a career as a professional footballer. However, it should also be noted that academy training does not automatically produce a finished player capable of sustaining a professional career. In the vast majority of cases players do not fulfil their ambitions, even those trained at the best equipped academies with direct channels to international football markets. Most are simply released during the course of their academy training or do not progress through particular milestones and receive scant support to deal with the emotional and material difficulties that result (see for example Calvin 2017; Van der Meij et al. 2017; Weedon 2014).

### 3.2 (v) National federation programmes and youth teams

As noted earlier, the development of child players is augmented by national federations, some of whom operate national football centres of excellence which are oriented around training players for national youth teams and ultimately for senior national squads. These are very much elite youth development programmes and often complement the training players receive at the academies of professional clubs.

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<sup>21</sup> <http://www.aspire.qa/FootballAspireDreams.aspx>



Opportunities to represent national youth teams in international competition is not only important for players' technical development but also affords them the sort of 'visibility' in the international market that might enable them to secure a professional contract overseas (Engh & Agergaard 2015). For example, the success of African youth teams in winning four of the first six editions of FIFA's under 17 World Cup, inaugurated in 1985, is considered pivotal in increasing awareness of the potential of young African talent among European clubs and talent speculators (Darby 2000). However, in his research on the development of women's soccer in China, Japan and Korea, Manzenreiter (2004; 2008) highlights how despite relative success on the international stage, major impediments associated with cultural sexism and patriarchal norms constrain the opportunities for women's soccer in these countries.

### 3.3 Overview of children's encounters with key actors in football's global production networks

Children's journeys within and through the nodes detailed above are heavily influenced by a network of key actors who operate across both amateur and professional segments of the game. Individuals and institutions within these networks play an important role in identifying, developing and facilitating the movement of players through football's GPNs. Children's interactions with these actors not only shape their experiences of youth football but also constitute a site where children's rights issues arise and where questions around the best interests of children become pronounced and are negotiated.

As noted above, children's early exposure to informal, school and organised youth club/league variants of the game, often function as precursors to entry into the more formalised elements of GPNs in football. The actors they encounter here such as teachers, coaches, family mentors, play a crucial role in influencing their early experiences and their motivation to pursue a professional career in the game. Some of these actors will have relationships with clubs or intermediaries that facilitate entry into those nodes that are more explicitly oriented around producing professional players. Once child players progress to this phase of their journey in football, the network of actors that they are exposed to expands. This occurs as a consequence of the commodification of their training and monetary value as talented players (see Esson 2015b; Palmiéri 2015; Robalinho 2013). Simply put, child players who enter this

node become a potential source of revenue for clubs, agents and a range of other intermediaries (Poli et al. 2016).

From the perspective of clubs, producing a talented player who graduates from its youth academy into the first team is a cheap, albeit labour intensive method of filling player rosters and can save millions of dollars on transfer fees. Identifying and monitoring child players as potential recruits is another common approach employed by clubs to build their squads in a cost-efficient manner, and those clubs outside the 'big five' leagues tend to operate in some of the lesser developed football regions in order to minimise labour costs and potentially maximise 'sell-on' values. Developing child players as saleable assets for international markets is also a potentially lucrative enterprise for selling clubs, although the value of child players fluctuates depending on where that player was produced.

Beyond transfer fees, the 'solidarity mechanism', discussed in section 2.3 (ii), has also resulted in intense financial speculation and increased *domestic* trading of child players, particularly in Latin America and Africa, as academy and club owners vie for the next young 'star' to sell to a wealthy foreign club (Meneses 2013; Ungruhe & Esson 2017). As detailed earlier, this provision requires buying clubs to pay financial compensation to other clubs involved in the training and education of players between the ages of twelve and twenty-three (Smith 2015). In doing so, it has given the labour and investment in training a youth player a monetary value and in Africa, for example, this has increased the number of actors and institutions establishing youth football academies (Esson 2015b). These processes require a network of scouts, intermediaries, agents and academy and club owners as well as child players and their representatives, familial and legal, to interact in order to facilitate players' journeys from youth to professional sectors of the game. As detailed in section 2.3, much of this interaction is governed by FIFA's regulations on international transfers and intermediaries. Beyond this regulated sector of football, there has emerged over the last decade or more, an illicit set of practices involving children in football's GPNs. Chief amongst these is football-related trafficking involving child players from developing countries (David 2004; Drywood 2016; Esson 2015a; Hawkins 2015; Meneses 2013).

In addition to football-related trafficking, children's involvement in football and their interactions with other actors involved in the development of professional players can be precarious in other ways. There has been recent academic research that highlights that this is especially the case for young migrant (aspiring and actual) football players from the African continent (Agergaard & Ungruhe 2016). However, other research beyond developing nations, not least in England, illustrates that football can place children in a harmful position psychologically and physically and that some experience sexual and rights-based abuses (Cushion et al. 2007; Brackenridge et al. 2007; Manley et al. 2012). Notably, despite the concluding node of the GPN being the football clubs that benefit from this network, there has been very little discussion about the involvement of these clubs in protecting the rights of children. The majority of children involved in the GPN will never have any direct involvement with professional football clubs but the few who do achieve their football dream will be drawn from the same talent pool as those who do not make it. This raises questions around the roles and responsibilities of football clubs in protecting all children who embark on journeys through the GPN. The next section uses the UNCRC to 'audit' the football industry's GPN as outlined above, in terms of where child rights issues might arise, and to determine the nature of the risks or infringements involved.

### 3.4 Auditing and contextualising risks and child rights issues in football's global production networks

Sport offers many avenues for the realisation of rights found within the UNCRC and, as such, the positive impact of football on the lives of children is considered further below. However, sport also presents particular challenges that can be in direct opposition to these rights. At the turn of the 21<sup>st</sup> century Donnelly and Petherick argued that 'almost half the 40 articles dealing directly with children's rights are occasionally or routinely violated when we consider children's involvement...with sports' (Donnelly & Petherick 2004; 301). In relation to football's global production networks and the participation of children, we have identified several sites at risk of rights violations. We begin by addressing the risk of economic exploitation of children through participation in football. We then consider other forms of exploitation and the ways in which sport can expose children to the risk of harm through discrimination, violence, abuse and trafficking. Next, we identify possible challenges to rights to education, health and family life presented by GPNs and their impact upon children.

### 3.4(i) Positive realisation of children's rights through participation in football

It should be noted at the outset of this analysis that whilst there are of course potentially injurious impacts of recruitment processes to children's rights, it must be emphasised that participation in sport – at amateur and professional level – can empower children and promote their rights in a range of ways. There is a right in the UNCRC to engage in play and recreational activities (Article 31), whilst participation in sport brings with it clear benefits to the realisation of healthcare rights (Article 24) through physical activity. Given its level of popularity across the globe, access to organised football, whether formal or informal, plays a significant role in allowing children to access play, enjoy leisure time and lead healthy lifestyles. Equally, physical education is an integral part of children's schooling, with Article 29 UNCRC requiring that the education of the child be directed to the development of the child's personality, talents and mental and physical abilities. Where a child is a talented footballer, recruitment to an academy, for example, allows a child to access educational and sporting facilities which can make a significant contribution to the realisation of this right.

Indeed, the growth of football's academy system is not *per se* a bad thing for children's rights, even where this requires the child to migrate to another country to access better facilities and greater opportunities. There is a rational choice in the decision to pursue a career in football based on an individual's belief in their own talents and the potential improvement in standard of living, even if these opportunities are pursued in another country (Esson 2015c). The UNCRC requires children's voices to be heard (Article 12), recognises the empowering benefits of sporting and educational opportunities in a child's life and emphasises the importance of survival and development for children (Article 6(2)). This, however, must always be balanced against the need to protect the child's best interests, and underlines the need to find a regulatory response which balances the positive aspects of children's participation in football with the need to protect their safety and security and ensure the full realisation of health, education and family life rights.

### 3.4 (ii) Child footballers and economic exploitation

At the heart of the operation of football's global production networks are questions around economic exploitation of children. Article 32 of the UNCRC recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The most insidious football recruitment practices will be addressed further below, but even the mere practice of paying children to play football engages questions around the compatibility of child labour with Article 32 UNCRC. Beyond the basic requirement to protect children from economic exploitation, the UNCRC goes on to require that state parties may set a minimum age for admission to employment (Article 32(1)). Legally, professional footballers are recognised as employed workers (Platts & Smith 2009; Roderick 2006), so fall within labour legislation, but in many jurisdictions exceptions to limitations on children's work are found where the employment is for the purposes of cultural and sporting activities, or where there is a vocational element<sup>22</sup>. This means that in many parts of the world an academy scholarship falls outside the protection of any ban on the employment of children, because it falls within the sporting arena and contains educational elements.

Indeed, there are many aspects of football's global production networks that are inconsistent with the spirit of Article 32 of the UNCRC. As discussed earlier, academy players become club 'assets' from the age of 9 (or even younger), with investment in training and education justified on the basis of the commercial gain they may bring to the club in the future, at a level and intensity which is linked to the sporting potential shown by the individual child. The 'Pele Law' in Brazil is a good example of this tension between children's rights in relation to Article 32 of the UNCRC and rampant commercialism within football. When announced in 1998, apparently as part of an attempt to prevent players from being unduly tied to the club where they held an apprenticeship, a stipulation was made that from 2001 onwards when a club signs a 16-year-old player the maximum contract length is five-years (Tuleskii & Shimanoe 2013). Moreover, in the event the player wants to leave before the end of the contract the club is only eligible to receive a "penalty fee" of up to 100 times their<sup>23</sup> monthly

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<sup>22</sup> See, for example, the Young Workers Directive

<sup>23</sup> The literature refers to the men's game but in theory the rules should apply to women's football also

wage. If a player satisfies the terms of the contract but decides not to resign, they can join a new team and the previous club is not entitled to receive a transfer fee or compensation from the new club (see Tuleskii & Shimanoe 2013). Implicit within this set of labour relations is a tacit approval of child employment (as an apprentice in an academy from the age of fourteen and as a professional from the age of 16), and in both cases young players are assets that need to be protected in a commercial sense primarily.

The ‘training compensation’ and ‘solidarity mechanisms’ paid to clubs that train young players, who then become part of the global market in footballers, also make talented children especially potent assets for clubs. However, because of FIFA’s classification system for academies, training compensation is minimal for clubs or academies in Africa and to a lesser extent South America, and transfer fees are often negotiated in order to try to maximise return (Esson 2015c; Meneses 2013; Palmiéri 2015). The purpose of Article 32 of the UNCRC is to ensure that children are not exploited for economic gain, particularly when this may jeopardise their enjoyment of other Convention rights, yet the GPN in football clearly operates to maximise commercial benefit to the various actors within the industry. These actors include clubs, agents and other intermediaries, all of whom stand to gain economically from children recruited into the football industry. Mechanisms around the global market in footballers (e.g. academy contracts, the homegrown players rule, solidarity mechanisms, third-party ownership)<sup>24</sup> are regulated by sport governing body rules and laws around contracts and employment, but with minimal regard for the children’s rights implications.

This is not to say that questions around the palatability of children’s labour forming such an integral part of the operation of global supply networks in football should not be asked (see Brackenridge 2004). Such questions and discussions are needed given the emergence of research conducted with child footballers in the global South indicating that, even when playing at the amateur affiliated level, these players see themselves as workers having embarked on a career (Esson 2013; Meneses 2013; Palmieri 2015). This perception of themselves as workers is somewhat understandable given that neoliberalism, which encourages people to be ‘job creators

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<sup>24</sup> Whilst the latter is now technically banned by FIFA, in practice such contracts continue to be commonplace



not job seekers', is invariably the economic model of choice in these countries, and out of necessity child labour typically does not have the same negative connotations in the global South as it does the global North (Bourdillon 2010; Boyden 2011; Huijsman 2005; Webbink et al. 2012). Crucially, the child's own body becomes the source of their earnings and provides a way to potentially better their material condition without having to rely on intervention from the State (Esson 2013; Jua 2005). Furthermore, and perhaps most importantly, in patriarchal societies where monetary success is viewed as an inherently masculine trait, the fortune and fame associated with professional football offer a route to a respectable manhood. This results in a scenario where boys feel there is less to lose, and substantially more to gain, by taking the risk on the chance they can make a living as a footballer (Darby 2013; Esson, 2013; Meneses 2013).

### 3.4 (iii) Child footballers and exposure to discrimination, violence, abuse and trafficking through football's global production networks

Article 19 of the UNCRC requires that children are protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The Convention also places an obligation on states parties to ensure that appropriate protections are in place against all forms of exploitation, including sexual (Articles 34 and 36). Crucially, the UNCRC framework highlights that this violence can be carried out by a range of individuals who have children in their care (see, for example, Article 19(1)) and, indeed, recent revelations around historic sexual abuse by football coaches in the UK have brought to the fore the risks to children who participate in sport. Brackenridge has used the work of UNICEF to highlight the range of violence and abuse that child footballers can be subject to, including: discrimination and harassment on the basis of sex, race or sexual orientation; various forms of sexual violence; physical maltreatment; emotional and psychological abuse; neglect; and, child labour and trafficking (Brackenridge 2010). Whilst these sorts of abuses can occur regardless of the context surrounding the participation in sport, the practices in football's GPN described above illustrate how precarious circumstances can exacerbate risk factors. Where the pressure to succeed is particularly acute, and for those who have left their home and family in an effort to succeed in the football industry, the vulnerability to abusive adults is especially high.

Evidence of the vulnerability of children to abusive adults within the football industry is apparent in two forms of football related human trafficking, known as trafficking *through* and *in* football (Esson 2015a; Hawkins 2015; Poli 2010b). Trafficking *through* football relates to the criminal activities of individuals, posing as football scouts or agents, who use football and the prospect of trials overseas to fraudulently extract money from the parents of eager young players. The fees involved can be as much as £3,000 and typically see families incurring debt, selling possessions and cutting back on other familial costs such as schooling for other siblings. This process invariably ends with the player being taken to Europe on a standard 3-month visitor visa before being effectively abandoned. Trafficking *in* football involves a similar route to Europe and in some more recent cases to South and East Asia, but trials do materialise and professional contracts are secured. However, what allows this process to be defined as trafficking is the fact that these contracts are often highly exploitative and unfavourable for the player with agents taking as much as 50% of the player salary for the duration of the contract (see also David 2004).

Although trafficking *in* football is associated with young men and boys primarily, scholars such as Agergaard and Tiesla (2014) have drawn attention to how women and young girls, especially if they have migrant status, can also find themselves tied to exploitative contractual terms. On this subject Brackenridge makes the following point 'One thing seems clear: if girls continue to be appropriated into the male model of football, they should come to expect all of the harms that the boys already face, and more. For their commodity value will be less, so their scarcity value greater. They will be vulnerable to sexual exploitation and other abuses, whether trafficked or not, unless and until the football authorities are willing and able to adopt comprehensive child protection measures, backed up by very tough sanctions' (2010; 10).

Trafficking *through* football involves criminal activity and as such requires an appropriate response from national crime and border control agencies in the countries where players are trafficked from. As noted by the International Labour Organization, 'whilst child labour takes many different forms, a priority is to eliminate without delay the worst forms of child labour as defined by Article 3 of ILO Convention No. 182' including 'all forms of slavery or practices similar to slavery, such as the sale and trafficking of children'. Working collectively and ensuring policy coherence between

these agencies and the football authorities would clearly be beneficial in tackling this issue but ultimately, policy makers in football are largely powerless in what is a criminal matter. For example, David (2004) provides an account of a case in Luxembourg where a 17-year-old Brazilian footballer was trafficked to Europe via a criminal network operating between Brazil and Portugal. In another case, 24 young Brazilian footballers were arrested in the Dutch territory of Aruba on their way to the Netherlands for trials with football clubs. Children who are trafficked as part of football's GPN are victims of criminal activities and the states' (collective) failure to prevent the operation of cross-border illicit networks. This is a clear failure to uphold Article 35 UNCRC which requires states to take all appropriate national, bilateral and multinational measures to prevent the sale of or traffic in children for any purpose or form. Furthermore, once the trafficking has occurred, these children – most of whom are unsuccessful in their efforts to secure a contract with a club – are particularly likely to have to resort to black market labour, including sex work, leading to further violations of their rights (Donnelly & Petherick 2004).

Responsibility for addressing trafficking *in* football and indeed, ameliorating the other characteristics of the child's journey through and migrating within the football industry that make it precarious and potentially exploitative, lies squarely at the feet of the football authorities at international, regional and national levels. The response by FIFA, encapsulated in the introduction of new international transfer regulations in 2001, has been well-intentioned and was motivated in part by a desire to minimise the potential for the trafficking or abuse of young players. However, the activities of football clubs in continuing to seek out competitive advantage and loopholes in these regulations combined with European wide rules on 'home-grown' players and inconsistent national policies on the minimum age at which players can sign professional contracts have inadvertently made the global football industry a precarious environment for young migrant players (Hawkins 2015; Heidman 2013; Rowe 2016). FIFA's decision to deregulate the player agent system was seen as likely to exacerbate this issue further. As noted by David (2004; 174) several years before deregulation occurred, 'around the world but especially in Africa and Latin America', the prevalence of unscrupulous 'agents' within the football industry is able to flourish because the rights of minors are not adequately accounted for or protected in an industry where financial gain and commercial success takes precedence'.

In a study of child labour in the Latin American football industry, Meneses (2013) illustrates how football in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico and Peru is increasingly populated by individuals seeking to buy the commercial rights of talented players as young as nine years old. When dealing with amateur clubs these individuals can purchase these rights for as little as \$US200. This situation is not unique to Latin America, and similar activities have been observed in West Africa. For example, in Ghana, Esson has highlighted the practices of intermediaries known locally as 'card dealers' and 'managers'. Card dealers engage in financial speculation by purchasing player registration cards from club owners and moving them to a club they have an affiliation with. These 'transfers' can cost the equivalent of two to three hundred US dollars. A player cannot be forced into moving, but they are usually happy to do so as they receive financial gifts as part of a deal. In some cases, these deals involve partnerships, with each investor's respective percentage of ownership based on their financial input.

Card dealers, who are invariably male and can be as young as their early twenties, become owners of the player's registration in the hope of selling them to another local club for a profit, or ideally taking a share of a player transfer to an international club. These financial practices are a localised version of 'third party ownership', which as mentioned above is a controversial practice that has become part of the global economic organization of world football. The relationship between a young Ghanaian player and their 'manager' differs to that between a player and a 'card dealer', in that a manager is more concerned with securing a percentage of a player's future earnings. Young players proactively seek out managers because in exchange for a cut of their future earnings, a manager will provide boots, kit, training equipment, and in some cases supplement these items with a daily cash allowance. Such an arrangement is particularly appealing to children from low income families, and in many cases supported by parents who are appreciative of the additional finance entering the household. Crucially, the manager also provides collateral for the player to attend tournaments and trials, which is considered vital to progressing through footballs GPN.

FIFA has acknowledged that young players from particular regions, namely South America and sub Saharan Africa, constitute the majority of cases concerning

discrimination, violence, abuse and trafficking through football's GPNs, and therefore appear to be particularly vulnerable to exploitation from human traffickers and intermediaries such as card dealers and 'managers'. However, this has been framed primarily in relation to regulatory dynamics within the football industry. The existing research on this topic, while limited in quantity and geographical scope, indicates that the uneven and exploitative power relations between players and human traffickers is linked to conditions within the football industry (as discussed above) but also the cultural and economic conditions beyond it. For example, in the case of aspiring footballers (boys) from Africa and South America, knowledge concerning how to progress through the football industry's GPN and distinguish legitimate opportunities from scams concocted by opportunistic fraudsters is often learnt tacitly and reproduced in a particular context through peer, familial and transnational networks, as well as coaches, managers, intermediaries and the media (Esson 2015b; Meneses 2013; Palmieri 2015; Poli & Ravenel 2005). The reliance on tacit knowledge is especially problematic in Africa and South America because the increasing numbers of young people aspiring to earn a living through professional football, as discussed above, has created heightened competition for opportunities to obtain a place at an elite academy. Two examples put this situation into context.

The Right to Dream Academy (RtD), which is a non-profit organization registered in Ghana, the UK and USA, is renowned for its excellent facilities and educational and vocational training schemes. Successful applicants are offered a five-year scholarship and intake is normally from age ten upwards. With regards to life prospects after leaving the academy, former residents are currently at educational institutions in the US, and over 30 players have signed professional contracts at clubs in various parts of the world (see also Darby, 2013). In 2016, RtD purchased FC Nordsjaelland in Denmark with the objective of providing academy players with a smoother transition to a professional environment. At one of their selection programmes in Ghana, which consisted of three main rounds and tournaments staged in various locations around the country, circa 18,000 hopefuls attended trials for 15 places. The second example is the Aspire Academy in Qatar, which created the project 'Africa Football Dreams' consisting of a talent-scouting network covering ten African countries, namely; Cameroon, Ghana, Côte d'Ivoire, Kenya, Mali, Nigeria, Rwanda, Senegal, Uganda and Tanzania. Between 2007 and 2010, around 715,000 under 14-year-olds took part

in trials through this project, but only twelve players per year were selected to attend the main academy in Qatar (Poli 2010). This heightened competition for places at elite academies has resulted in young players and their families becoming more willing to trust intermediaries in the hope that doing so will enable the player to progress further along the GPN either in their country of origin, or more ideally, at an elite foreign club. But this willingness to trust intermediaries and desire to progress through football's GPN must be viewed in relation to the socio-economic context discussed above and further below.

### 3.4 (iv) Impact of football on children's rights to education, health and family life

The journey through football's global production networks for children can throw up challenges to the realisation of rights in relation to education, healthcare and family life. Provisions of the UNCRC focus on the right of children to have contact with their parents (Article 9) and to family reunification where they are separated (usually in migration scenarios) (Article 10), underlining the importance of the family unit to children. The Convention's preamble states: [the family is] the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. Whilst it is not uncommon for children to live away from their families, but within their country of residence, risks to the enjoyment of family life are particularly acute where children migrate as part of football's GPN.

The existing regulations regarding the status and transfer of minors within the football industry, as discussed above, incentivise clubs to recruit players at a young age where an assessment of their potential skills as footballers is highly speculative, fuelling levels of 'wastage' from academies whereby huge numbers of players who do not make the grade are released with no prospect of a career in football. This is an especially precarious outcome for those individuals who have left their home and family to pursue this goal. The younger the child the more potentially vulnerable they are to exploitation and abuse because of their immaturity (both physical and mental) and they also risk being dropped from the system at an earlier age. Additionally, from a children's voice perspective, younger children are less able to communicate (or adults are less willing to hear) their hopes/fears etc and this is magnified by cultural



considerations shaped by understandings of inferiority and superiority on the grounds of race, gender, class, age etc.

The Convention's preamble is correct to emphasize the importance of the family unit in potentially providing a nurturing environment for children. Yet it is also important to acknowledge that family members often play a significant role in a child's decision to pursue a football career and may even support their attempts to progress through the football industry's GPN both financially and emotionally. While this point is valid in many parts of the world, it has significant implications in Africa, Latin America and other developing contexts where, as discussed above, formal and/or well-paid employment opportunities are scarce and/or precarious. In such contexts, the pursuit of a career in football is often encouraged by family members as part of a broader household livelihood strategy (see Van der Meij et al. 2017; Meneses 2013; Palmiéri 2015). This is because a career in professional football for a son, and increasingly for a daughter (see Agergaard and Botelho 2011; Tranfaglia 2014), is seen as a way to obtain relatively gainful employment that can potentially provide a family unit with social mobility (Meneses 2013; Ungruhe & Esson 2017). The outcome is additional pressure on children to succeed in an already competitive and pressurized environment.

Whether a young family member can truly dedicate themselves to football, often hinges on the perspective various family members have of football's ability to facilitate social mobility in comparison to a formal education (discussed further below). Given the limited number of players who are able to play at the elite level this might seem unrealistic (Perez Turpin 2007; Poli 2010), but for many young people in Africa, Latin America and Asia the chances of obtaining secure employment in the formal sector is deemed just as, if not less likely, than securing a professional playing contract (Esson 2013). Moreover, a career in professional football provides players and their families with much coveted forms of social as well as economic capital (Künzler & Poli 2012; Meneses 2013; Palmieri 2015). Relatedly, an emerging issue concerning the impact of football on children's rights to education in Latin American and sub Saharan African countries, are cases of children from low income families dropping out of school to pursue a career in football (Esson 2013; Meneses 2013). In these contexts, the supply of educated labour is considered to exceed demand, and perceptions of 'qualification

inflation' have fuelled a belief that returns from education are in decline or insufficient (Gough & Wood 2004; Rolleston & Okech, 2008). This is particularly challenging for low-income families who have to pay for post-primary education, and football is increasingly seen as a viable alternative.

David (2004) has identified restrictions on education due to involvement in sport as a key situation which can threaten the physical and mental integrity of children and their enjoyment of rights. Whilst football can be a positive factor in the education of children, the pressure and time demands of elite sport can be disruptive to a child's schooling. Article 28 of the UNCRC, as well as recognising the right to education, emphasises the importance of availability, accessibility and regular attendance. Football's governing bodies require detailed education plans for academy players and individuals with responsibility for education to be in place at clubs with a youth structure. In the UK, for example, it is standard practice for academies to be subject to the same inspections as publicly funded schools. However, whilst education provision is of a high standard at the most elite levels of the game, the precarious situation facing young people pursuing a career in football through the less formal structures of the global production network is likely to result in much more disruption to education. Children who have been involved in football related migration and find themselves with an irregular immigration status are unlikely to access consistent and appropriate education.

Like education, there are many attendant benefits to children's health through participation in football; equally, however, David (2004) has highlighted that the high-pressured environment of sport can threaten the physical health of children. The UNCRC grants all children the right to the best possible health, including an obligation to offer education on health and well-being (Article 24). Threats from within football can include doping, overtraining, and concussion, amongst others. Children who are under pressure to succeed, fuelled by the demands of football's GPN, are most at risk of submitting to practices that may be harmful to them because of a drive to do well in a competitive industry.

### 3.4 (v) The best interests of the child and the child's right to be heard during football's recruitment processes

There are significant ways in which the regulation of football's recruitment processes does not operate in the best interests of the child (as recognised in Article 3(1) UNCRC), primarily because the sporting and commercial interests at play shape their implementation in practice. A series of regulatory frameworks around the transfer system, designed to ensure a free-flowing and liberal market in footballers and the availability of talent, have the (normally unintended) consequence of operating against the best interests of the children involved. This is the case in relation to, for example, training compensation which incentivises clubs to acquire players at as young an age as possible to minimise their future economic liability. A similar effect is caused by the homegrown player rule. Whilst this provision was introduced with a view to offering greater opportunities to young, local players, its operation within the context of global supply networks in football has resulted in clubs prioritising securing the services of very young players so that they can be converted to homegrown players by the time they become 18. Where regulatory systems are designed without considering the impact on young people at the stage of design and formulation, unintended consequences with an injurious impact upon the rights of children are likely to follow. This is, therefore, symptomatic of the reluctance of football's governing bodies to engage with a children's rights ethos. What is needed is a child rights approach with 'a clear focus on [the] positive impact of the whole child. It needs to ensure that equity and non-discrimination by focusing on the worst rights violations and on the most marginalised children' (Shrestha and Giron 2006: 10).

Children's right to be heard in all decisions affecting them and to have these views accorded due weight according to their age and maturity (Article 12 UNCRC) is significantly undermined by the ban on international transfer of minors found in FIFA's RSTP. Research has pointed to the degree of agency which young academy players in Ghana, for example, display when choosing to migrate for football purposes, a decision which is taken on the rational basis of future opportunities (Esson 2015c). Where a football club with the infrastructure to train and educate a player is offering this opportunity, it is perhaps understandable that a child player and their family see no reason why they should not to pursue this opportunity seriously. In fact, a faithful reading of the UNCRC requires relevant bodies to provide a framework in which the

desire to make that choice is given due consideration, something which an outright ban does not offer. Of course, where there are serious welfare concerns around the consequences of a child's choice, the UNCRC best interests' principle, demands that decisions are tempered by the need to protect the child from harm. The ban on the international transfer of minors was introduced with exactly this aim, to protect children from the harmful practices that surround player recruitment. However, these practices continue to thrive, even with this ban in place, and child players are denied the opportunity to pursue a career in football under circumstances that might better uphold their rights.



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## 4. Recommendations and future research agendas

### 4.1 Key risks and child rights issues in football's global production networks: Recommendations

This report identified and examined 'sites' of interaction between the global football industry's recruitment network and the rights of the child as enumerated in the United Nations Convention of the Rights of the Child. A 'global production network' framework was used alongside the UNCRC to map and audit where children's rights may be at risk or impinged upon because of their involvement with football.

Through combining a child-rights approach with the GPN framework, it is evident that children who participate in football with an aspiration to become a professional footballer make journeys through a fragmented system where there is considerable variation within, and between, countries in terms of the protection offered to children's rights. This is for two interrelated reasons. Firstly, football's regulatory structures are not informed by a child rights ethos and therefore do not necessarily operate in the best interests of the child (as recognised in Article 3(1) UNCRC). Secondly, increasingly commercial structures and profit driven practices within football are fundamentally inconsistent with Article 32 UNCRC, which recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

The ban on the international transfer of minors was introduced to protect children from the harmful practices, including economic exploitation, that surround player recruitment. However, this report has documented how these practices continue to thrive, even with this ban in place, while at the same time some child players are denied the opportunity to pursue a career in football under circumstances that might better uphold their rights. There is therefore a need to find regulatory and policy responses that balance the positive aspects of children's participation in football with the need to protect their safety and security.

Considering the findings above, the key recommendation is that:

**All future responses to this issue, both in policy and practice, are explicitly informed and guided by the UNCRC and its principles in the planning, implementation, monitoring and evaluation of regulations involving the recruitment of minor players.**

This is no trivial point, as any modifications to the regulations that are made without adopting this recommendation are likely to prove reductive.

**More specifically, it is imperative that an approach that characterises the child as the ‘rights holder’ and places the child at the centre of regulatory planning be adopted. Accompanied with the explicit aim of improving ‘the position of children so that all boys and girls can fully enjoy their rights, and to build societies that acknowledge and respect children’s rights’**

*(Shrestha and Giron 2006: 6)*

FIFA and relevant institutions should devise such an approach in collaboration with UNICEF and organisations with expertise in child rights issues. A rich literature exists on the importance of incorporating children’s rights at all stages of legal and policy programming – from planning, to implementing, to monitoring. For example, Save the Children have developed a Child Rights Programming (CRP) approach which utilises the UNCRC and its overall principles in planning, implementing, monitoring and evaluation of programmes (Table 1 below provides a summary of the implications of adopting this CRP approach). As noted by Shrestha and Giron (2006), the CRP approach provides a unifying framework based on both child rights and child development - viewing the child holistically and considering all developmental needs - based on understanding of the cultural contexts that children grow up in, and an understanding of why actors’ behave as they do within these contexts (this is particularly relevant given the findings from ‘Auditing and contextualising risks and child rights issues in football’s global production networks’ in Section 3).



The principles underpinning Child Rights Programming are:

- Indivisibility of rights
- Universality of rights
- The four general principles of the Convention on the Rights of the Child:
  - The right not be discriminated against
  - The best interests of the child
  - The right to survival and development
  - The right to be heard
- The principle of children as holders of rights
- The principle of duty-bearers: Duty-bearers have an 'active role to play in ensuring that the rights of the young people in their care are secured' (Shrestha and Giron 2006:8) and include for example, governments, charitable organisations and individuals.

The goals underpinning this Child Rights Programming are:

1. Accountability
2. Participation
3. Best interest of the child
4. Life, survival and development
5. Non-discrimination



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Applying a rights-based approach to programming means:

- Putting children at the centre, recognising them as rights-holders and social actors.
- Recognising governments as primary duty-bearers accountable to their citizens – including children – and the international community.
- Recognising parents and families as primary care-givers, protectors and guides – and supporting them in these roles.
- Giving priority to children and a child friendly environment.
- Being gender sensitive and seeking inclusive solutions which involve a focus on those boys and girls who are at risk and discriminated against.
- Addressing unequal power structures (class, sex, ethnicity, age, etc).
- Holding a holistic vision of the rights of the child while making strategic choices and taking specific actions.
- Setting goals in terms of fulfilment of rights.
- Aiming for sustainable results for children by focusing not only on the immediate but also the root causes of problems.
- Using participatory and empowering approaches, in particular regarding children.
- Building partnerships and alliances for promotion of the rights of the child.
- Counting on international cooperation.
- A focus on those who are most at risk and discriminated against.
- Taking a holistic perspective, which requires a multi-sectoral response.
- Providing a long-term goal which is clearly set out in international legal frameworks, which are shared by governments, donors and civil society.
- Encouraging legal and other reform, such as the establishment of regular monitoring mechanisms, which create a much greater likelihood of sustainable change.

*Table 1: The implications of adopting a rights-based approach*

The section that follows uses the insights presented above and earlier in the document to identify gaps in available evidence and outline future research agendas.

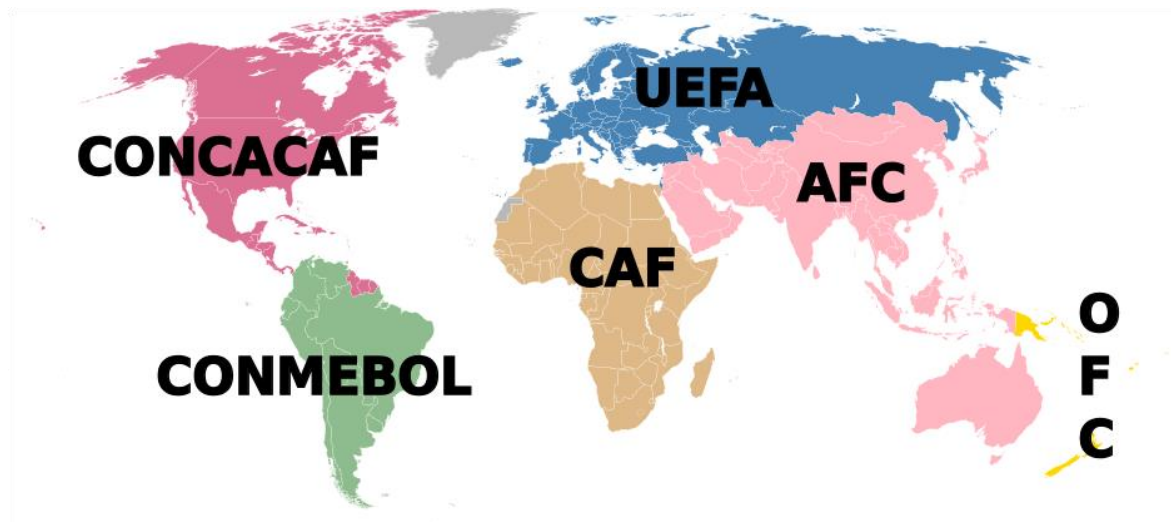
## 4.2 Key gaps in available evidence and future research agendas

### *The global picture*

There is a significant lack of robust evidenced-based research on children's rights issues in the recruitment of young players in football at a global level. FIFA consists of 211 associations that it supports administratively, financially and logistically. These

associations are in effect FIFA's representatives in individual countries, and as part of this arrangement FIFA demands that the 'associations must respect the statutes, aims and ideals of football's governing body and promote and manage our sport accordingly'. Based on their geographical location the associations are located within and make up 6 Confederations (see Fig 2 below)<sup>25</sup>. These confederations play a strategic role in the governance of FIFA (see Darby 2002 for an overview of the political history of FIFA and the confederation structure).

**Fig 2: Map of FIFA Confederations<sup>26</sup>**



If we use the Map of FIFA Confederations as a reference point to examine this issue further, it is apparent that there is extremely limited evidenced-based research on the topic, in relation to child footballers who reside in AFC, OFC and CONCACAF countries. This is not to suggest that research in UEFA, CAF and CONMEBOL countries is no longer needed, far from it. The small but emerging literature on this topic concerning players in CAF and CONMEBOL countries (see Darby et al. 2007, Donnelly & Petherick 2004; Meneses 2013; Poli & Besson 2011) is because risks and child rights issues associated with the recruitment of young football players are particularly severe in these regions, for example the vast majority of human trafficking cases originate in CAF and CONMEBOL countries. As mentioned above it is important

<sup>25</sup> Asia Football Confederation (AFC); Confederation of African Football (CAF); Confederation of North, Central American and Caribbean Football (CONCACAF); Confederación Sudamericana de Fútbol (CONMEBOL); Oceania Football Confederation (OFC); Union of European Football Associations (UEFA).

<sup>26</sup> Source: [https://commons.wikimedia.org/wiki/File:World\\_Map\\_FIFA.svg](https://commons.wikimedia.org/wiki/File:World_Map_FIFA.svg)

to ensure 'equity and non-discrimination by focusing on the worst rights violations and on the most marginalised children' (Shrestha and Giron 2006: 10). Meanwhile UEFA countries have some of the best resourced and well-established policy and academic infrastructure in the world, which has resulted in a still limited but relatively greater number of studies on this topic. However, in order to create contextually relevant regulations and policies that are also global in nature, more research is needed that explores and examines the experiences taking place within and between the FIFA confederation zones. This research agenda would need to be informed by a methodological approach capable of uncovering and articulating the voices of children and young people.

There is also a clear need for evidenced-based research that accounts for geographical and cultural variations given that the statutory protection offered to children sits within a complex web of legal frameworks that operate to varying degrees of success locally, nationally and internationally. Research is required that identifies which violations of whose rights are currently protected by which statutes, and in so doing identify where children are most likely to be failed by the existing frameworks in all association countries. For example, there is a need for research on how risks and child rights issues are being addressed and accounted for by national associations in collaboration with other actors. Particularly given that FIFA's previous decision to end the licensing scheme for player's agents raised concerns about the future role, and regulation, of intermediaries with national football associations now responsible for these actors. Identifying good practice for these associations to draw upon is therefore needed urgently.

The gaps identified and research agenda proposed could be explored via the following questions:

- How does the recruitment of young players (of all sexes and genders) into professional football vary at a confederation and national level?
- How do the risks or infringements to child rights in football vary regionally and/or nationally?
- Are particular rights risks or infringements concentrated in particular regions and/or national settings and if so, why?

- What are the wider contextual issues and power relations that play out in risks to child rights in football in particular regions?
- Which organisations and individuals (including 'non-footballing' actors) are responsible for the rights of which children in which context, and what are the sanctions that are available in order to enforce the realisation of these rights?
- What protective factors operate within footballs GPN and in what circumstances? Who do they protect and how effectively?
- Are there any regions in which effective mechanisms exist to protect children from rights violations associated with recruitment to the football industry?

### *The football industry's global production network*

The discussion of the Early Childhood (Node 1) and School Football (Node 2) of the GPN identified a number of local actors (e.g. parents, teachers, coaches and peer networks) who directly influence children's involvement in football. However, the role of these actors in protecting or working against the rights of children in football is not well understood currently. Additionally, the current and potential role of governments, NGOs and charities in supporting these particular actors to be empowered to better protect children's rights within the football industry is also not well understood. Similarly, despite the concluding phase of the GPN (Senior Divisions - Node 6) being football clubs that benefit from the progression of players through the network, there has been very little knowledge about how, if at all, these clubs contribute to mechanisms to protect the rights of children *throughout* the recruitment process. In other words, beyond generic public relations statements there is a lack of knowledge about, or sense of, 'best practice' in relation to children's rights in football at an institutional level. Moreover, much of the existing research associated with the recruitment of minors within football focuses on points of entry or exit within *professional* footballing infrastructure. Yet, most children involved in football's GPN will never have any direct involvement with *professional* football clubs. The few who do achieve a place in professional or even semi-professional football will be drawn from the same talent pool as those who do not make it. This raises as yet unexplored questions about the roles and responsibilities of professional football clubs in protecting *all children* throughout football's GPN.

Much academic and regulatory attention has, perhaps understandably given the oft direct connection to elite football clubs, been paid to Football Academies (Node 4). In comparison, very little is known about risks and child rights issues in the context of Organised/Affiliated Youth Football (Node 3). This lack of knowledge concerning events in this domain is problematic because as indicated above this is a crucial node in football's GPN. Organised/Affiliated Youth Football (Node 3) runs alongside more elite youth football structures (Node 4) with permeability between them, as youth clubs and leagues in Node 3 channel players into some of the more elite level youth structures (Node 4), which seek to move beyond participation, and engage children in a more performance-oriented environment focused around producing professional players. Where the pressure to succeed is particularly acute, the vulnerability to abuse is especially high. Although limited in geographical scope, existing research from CAF and CONMEBOL countries suggest that Organised/Affiliated Youth Football (Node 3) is both highly competitive and increasingly becoming financially orientated because, as indicated above, it constitutes a key talent pool for Football Academies (Node 4). In 2010 Brackenridge posed the following questions and made the following observations:

*'What are the risks of harm to girls in football? And are they different or greater than those experienced by boys? From an evidence perspective we simply do not know, but it would be odd if football did not reflect wider social patterns of risk and harm. In which case, we might expect boys to face higher levels of physical abuse than girls, and girls to suffer more sexual harassment than boys'*

(Brackenridge 2010: 10)

Almost a decade later, although there is a growing literature on *women's* football to match the rapidly emerging area of women's amateur and professional football (see for example Agergaard & Tiesler 2014; Agergaard & Botelho 2011; Hoar & Warr 2000; Pelak 2005), the questions posed by Brackenridge remain unanswered due to a lack of research on *girl's* football specifically. Notably, the findings in Section 2 and Section 3 above suggest that the regulations provided by football's key institutions typically adopt a *neutral* approach in relation to sex and gender. However, due to a lack of evidenced-based research, it is unclear whether such an approach adequately

accounts for variations in the potential risks and actual violation of children's rights in male (boy) and female (girl) versions of the game.

In sum, the previous points, and the report more generally, indicate that there are differences in the vulnerabilities of children as a result of *inter-alia* their age, gender, country of birth and socio-economic status. It is important to recognise that children's status - and therefore their vulnerability - will change over time as they develop and move through but also within the key nodes of football's GPN. It is important that children are protected as they move between contexts and that the protection of their rights are reviewed on an ongoing basis. Research is therefore needed that examines how the football's GPN can best ensure that children's rights are protected at all stages of their involvement with the game and that decisions that are made accurately reflect the current 'best interest' of the child and are not based on reasons that are no longer relevant to the individual child. This research should also identify the responsibilities of different actors for ensuring children's rights are upheld in different geographical contexts and nodes within the GPN. A key challenge but critical component of this research agenda would be the need to consider children who are progressing legitimately through the nodes of the GPN as well as those children whose experiences are primarily irregular and exploitative. As with any future research agenda ensuring that children's voices are heard and empowered during this process is also paramount.

The gaps identified and research agenda proposed could be explored via the following questions:

- Why do wider child protection frameworks and anti-trafficking legislation, which ought to dovetail with the football industry's regulatory approaches to uphold the rights of children who navigate GPNs, fail to operate successfully in the environment of football?
- Who are the key actors or 'duty-bearers' that have a responsibility for ensuring children's health and welfare within the football industry? How are these individuals professionally regulated and what steps are taken to ensure they understand how to safeguard the rights and welfare of children?
- Do FIFA's attempts to regulate the transfer of minor players, primarily through Article 19 RSTP, endorse an appropriate children's rights framework?



- The statutory responses to particular types of child rights violations in football are typically focused on transfers of players but numerically these are a small proportion of children involved in football. What else could/should sport governing bodies including FIFA do, to protect more children more consistently?
- In relation to 'policy coherence' how can organisations like FIFA, UNICEF and national governments work together to uphold children's rights in football globally in ways that reflect particular cultural and economic contexts?
- How can football governing bodies achieve consistency and coherency in the regulatory frameworks governing different elements such as transfers, intermediaries, and solidarity compensations, to ensure children's rights are protected?
- How can a children's rights ethos be embedded into the working practices of sport governing bodies, such as FIFA, when they formulate regulations which impact upon young players, as would be consistent with a holistic children's rights approach?



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